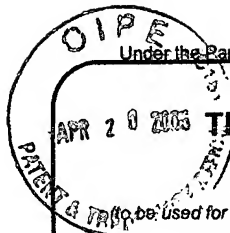


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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/705,425	
	Filing Date	10 November 2003
	First Named Inventor	Brasch
	Art Unit	2859
	Examiner Name	G. Bradley Bennet
Attorney Docket Number		
Total Number of Pages in This Submission	2	

ENCLOSURES (Check all that apply)

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|--|---|--|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance communication to Group |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input checked="" type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Change of Correspondence Address | <input type="checkbox"/> Other Enclosure(s) (please identify below): |
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| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application | | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

Remarks

Supplement to communication sent
in response to initial office action mailed
12/15/04

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Ken Campbell Agent # 52,688
Signature	K Campbell
Date	4/18/05

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Ken Campbell
Signature	K Campbell
Date	4/18/05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Mr. Bennett:

This letter is a supplemental response to your initial office action (to communications filed by me on 10 November 2003) for application #10/705,425. Please allow me to justify our point of view, by addressing both of your rejections more directly.

For your rejection of claims 1-7, based on Section 102, your reasoning is that the Mertes patent discloses a catch and a strike in its drawing figure. However, nowhere in the written specification of that patent does it even suggest that items 4 and 5 are intended as a latch, whatsoever. Items 4 and 5 are presented as a centering pin and an aperture. By no means can it be construed that these items together make up a latch. They combine to form a locating feature, at most. The specification of that patent states the diameter of the centering pin is less than the diameter of the hole. Again, this cannot be taken to suggest a latching ability.

Furthermore, even if items 4 and 5 were introduced explicitly as elements of a latch, the device itself would not anticipate a dipstick cleaner. An audio compact disc cleaner, for example, would indeed be anticipated. But, a dipstick wiper, in all practicality, has nothing to do a record cleaner. Consider the way that the record cleaner is meant to be used, according to the patent specification. Fluid is applied to the device before it may even function properly. Static charge is a concern that is also heavily associated with the device, in the patent. If it were actually the case that a record cleaner anticipates a dipstick wiper, then the patent issued to Michaels for a ullage rod cleaner could not have been granted. Clearly that is not the case.

Now, for your rejection of claims 8-11, based on Section 103, you have reckoned that our case would be obvious, and unpatentable over Mertes in view of Michaels. Although the question of obviousness is left to your own discretion, let me insist that your judgement has been made too hastily. Thankfully, the Mertes patent was issued many years before the Michaels patent. If your reasoning is appropriate—that the construction of our device is obvious, then surely it would have been included in the Michaels patent specification. What you have done is suggested an improper combination of two unrelated inventions. They simply do not share enough to be considered together.

As to whether or not our claims delineate enough information remains to be determined. My guess is that more emphasis on storing our device in the closed position could be translated into the claims. But, that is already implicitly worded within the detailed description of our original application, in paragraph 5:

“...In use, the invention is opened to accept the dipstick...”

Please consider the merits of our case in proper fashion. In all fairness to my client, it is difficult to support the basis of your rejections. I'm more interested in what you would suggest to strengthen our claims.

Graciously,


Ken Campbell